

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARISA CARDONA,

Defendant.

8:13CR400

ORDER

This matter is before the court on the motion to extend the pretrial motion deadline and to continue by defendant Marisa Cardona (Cardona) (Filing No. 21). Cardona seeks a continuance of the trial scheduled for December 16, 2013. The trial date was established several days before Cardona changed counsel in this matter. Cardona's previous request to reopen the pretrial motion deadline was denied by Magistrate Judge Gossett on November 29, 2013 (Filing No. 20). There has been no good reason presented to extend the pretrial motion deadline, and Cardona's request in that regard will be denied.

Cardona's request to continue the trial because she is a working mother and it is the holiday season does not warrant the continuance of her trial. However, since she has obtained new counsel and new counsel professes she needs more time to prepare for trial, the case will be continued on such basis. Cardona's counsel represents that government's counsel has no objection to the continuance. Cardona has submitted an affidavit in accordance with paragraph 9 of the progression order whereby Cardona consents to the motion and acknowledges she understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 21-1). Upon consideration, the motion will be granted to the extent the trial of this matter will be continued.

IT IS ORDERED:

1. Cardona's motion to extend the pretrial motion deadline (Filing No. 21) is denied.
2. Cardona's motion to continue trial (Filing No. 21) is granted.
2. Trial of this matter is re-scheduled for **February 3, 2014**, before Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **December 9, 2013, and February 3, 2014**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 9th day of December, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge